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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,963 10/01/97 KRIZ

J H16-17016-US

EXAMINER

WM02/0221

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ART UNIT

PAPER NUMBER

2664

DATE MAILED:

02/21/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/941,963

Applicant(s)

Kriz

Examiner

Kwang B. Yao

Group Art Unit  
2664



☒ Responsive to communication(s) filed on Oct 11, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-3, 5-11, and 13-39 is/are pending in the applicat

Of the above, claim(s) 18-25, 29, and 36-38 is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3, 5-11, 13-17, 26-28, 30-35, and 39 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 5-11, 13-17, 26-28, 30-35, 39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-11, 13-17, 26-28, 30, 33, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvey (US 5,699,357).

Carvey disclose a personal data network comprising the following features: a plurality of peripheral units PEAs 21...29 for transmitting and receiving information over a short range, and PEAs for being selected from the group of sensors, actuators, controllers; PDA 11 having a PDA modem 13 for receiving information from the PEAs. Carvey does not disclose a plurality of PDAs. However, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use a plurality of PDAs in the network of Carvey, in order to provide a faster and efficient data communication system.

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4. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvey (US 5,699,357) in view of Graham et al. (US 5,351,270).

Carvey discloses the claimed limitations discussed above. Carvey does not disclose that the transceiver operates at an unlicensed spread spectrum frequency range. Carvey discloses a portable cellular telephone system comprising the following feature: transportable transceiver 12 in Fig. 2 operates at unlicensed frequencies. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the network of Carvey, by using the features, as taught by Graham et al., in order to fully utilized the frequencies spectrum.

5. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carvey (US 5,699,357) in view of Hull et al. (US 5,806,005).

Carvey discloses the claimed limitations discussed above. Carvey does not disclose the claimed features of video camera. Hull et al. disclose a wireless image transfer system includes a video camera 20 in Fig. 1. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the network of Carvey, by using the features, as taught by Hull et al., in order to provide a user friendly system by having digital images.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carvey (US 6,128,290) discloses a personal data network.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is (703) 308-7583. The examiner can normally be reached on Monday through Friday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label

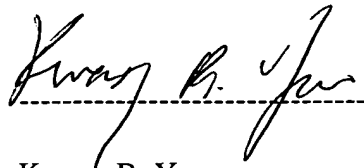
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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A handwritten signature in cursive script, appearing to read "Kwang B. Yao", is written over a horizontal dashed line.

Kwang B. Yao

Dec. 29, 2000